

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Case No. 4:09-CR-00014-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON TERRELL JONES,

Defendant.

ORDER

This matter comes before the court on the United States' Motion to Dispose of Firearm. DE 30. For good cause shown, the motion is GRANTED.

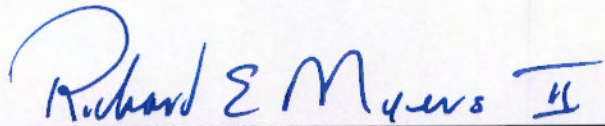
Defendant was charged in a Criminal Information on February 25, 2009, to "knowingly and intentionally, combine, conspire, confederate and agree with other persons, both known and unknown, to unlawfully, possess with intent to distribute five-hundred (500) grams or more of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1)." DE 11. The Information contained a general forfeiture notice. *Id.* At that time, the Roanoke Rapids Police Department had possession of a Glock GMBH, Model 17, 9 caliber pistol, bearing the serial number DDG834US, which had been seized on February 11, 2009 in a search of a vehicle driven by Defendant. DE 30 at 2. Defendant pled guilty to and was sentenced for the conduct charged in the Information. DE 14, 26. The firearm was never brought into federal custody for purposes of forfeiture; instead, the Roanoke Rapids Police Department retained possession. DE 30.

The United States now moves to dispose of that firearm, contending it would be contrary to law to return possession to Defendant, a convicted felon. DE 30; *see* 18 U.S.C. § 922(g).

Federal courts have “equitable authority, even after a criminal proceeding has ended, to order a law enforcement agency to turn over property it has obtained during [a] case to the rightful owner.” *Henderson v. United States*, 575 U.S. 622, 625–26 (2015). However, as § 922(g) makes it unlawful for a person convicted of a felony to “possess in or affecting commerce[] any firearm or ammunition,” a court cannot order an agency to “return guns in its custody to a felon-owner.” *Id.* at 626; *see also* § 922(g). A court may only approve the transfer of guns in its possession “if, but only if, that disposition prevents the felon from later exercising control over [the] weapons.” *Id.* at 630.

Therefore, as Defendant is a convicted felon, incapable of lawfully possessing a firearm, the United States’ motion is GRANTED. The Roanoke Rapids Police Department is authorized to dispose of a Glock GMBH, Model 17, 9 caliber pistol, bearing serial number DDG834US, and any and all related ammunition, by destruction or incapacitation in accordance with its regulations, when it is no longer needed as evidence.

SO ORDERED this 16th day of September, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE